IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :17888 of 2007

DATED:23.8.2007.

Between:

The Govt of A.P rep by its Principal Secretary
Panchayat Raj & Rural Dev, Secretariate Buildings
Saifabad, Hyd

.....
PETITIONER

AND

T.Kailash Girishwar

.....RESPONDENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:17888 OF 2007

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

The petitioner has filed the present writ petition seeking to call for the records pertaining to the order dated 3.1.2006 in O.A.No:6605 of 2006 of the Tribunal and set aside the same being illegal.

The respondent is the applicant. Originally, on the O.A. filed by the applicant seeking to set aside G.O.Rt.No:979, Panchayat Raj and Rural Development (E VI) Department, dated 10.6.2005 as illegal and arbitrary, the tribunal having observed that the applicant is working at a far of place and continuing the applicant to languish under suspension for nearly one and half years will not be justified and as the departmental proceedings are pending before the Commissioner of Enquiries, it will not be desirable in the interest of both the parties, to delve the merits of the case, disposed of the O.A directing the respondent to reinstate the applicant into service without prejudice to the pending disciplinary proceedings and deal with the period of

suspension in accordance with the provisions of Fundamental Rules after conclusion of the disciplinary proceedings. Having aggrieved by the same, the present writ petition is preferred by the applicant.

Heard the learned G.P. for Panchayat Raj and the learned counsel for the applicant and perused the entire material available on record as well as the order impugned.

The facts that remain undisputed are that the applicant has been placed under suspension on 10.6.2005 and till now, neither the suspension order is revoked nor the enquiry pending against him before the Commissioner of Enquiries is concluded. At this stage of the proceedings, the opinion, if any expressed on the merits of the case, may prejudice the case of either of the parties and at the same time, it is subjudice in view of the pendency of the enquiry before the Commissioner of Enquiries as rightly observed by the tribunal.

However, in view of the supension of the applicant for a longer period and in view of the pendency of the enquiry before the Commissioner of enquiries and in view of the fact that the applicant is being paid 75% subsistence allowance, We feel it appropriate to modify the order of the tribunal to that of a direction to the respondent-petitioner herein to review the suspension and consider the reinstatement in accordance with law. However, it is made clear that such reinstatement shall be subject to the result in the enquiry pending before the Commissioner of Enquiries. This exercise shall be completed within a period of 8 (eight) Weeks from the date of receipt of a

copy of this order.

Subject to the above modification of the order of the tribunal, this writ petition is disposed of.

(JUSTICE T.MEENAKUMARI)

23rd August, 2007

(JUSTICE G.CHANDRAIAH)

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THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:17888 of 2007
(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

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23rd August, 2007.

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:5051 of 2007

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

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28th June, 2007.